

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
April 8, 2019**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Dan Armstrong; Eric Cyprus; Michael Hecht; Jim King; Jack Gress; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero.

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

1. **BREWSTER CORPORATE PARK, 1920 Old Route 22** – This was a review of a request for a One-Year Extension of Site Plan Approval. Chairman LaPerch said is anyone here for this? Secretary Desidero said no, we told them they did not need to be here. Chairman LaPerch said this is an extension so (Town Planner) Ashley (Ley), is this the final extension? Ms. Ley said this is their third and final extension. Chairman LaPerch said this is a project up on Route 22, it is a 90,000 sq. ft. building that has been approved about six, seven years ago now? Ms. Ley said it was originally approved in 2016. The motion to Grant a Final Extension of Site Plan Approval for Brewster Corporate Park was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. Chairman LaPerch said and the extension is for how long? Ms. Ley said one year. He said just for the public's purposes since we have a lot of people here tonight, after that extension they have to come back in for a new review? She said if they don't pull a Building Permits before the end of the year, they would need to come back for a new approval.
2. **COMMERCIAL CAMPUS AT FIELDS CORNER, p/k/a NORTHEAST INTERSTATE LOGISTICS, 51 Pugsley Road** – This was a Review and Discussion of the Preliminary DRAFT FEIS i/c/w an Application for Site Plan, Wetland Permit and Special Permit. Attorneys Dan Richmond and Kate Roberts, Engineer Rich Pearson and Real Estate Advisor Peter Gilpatrick appeared before the Board. The Meeting Minutes for this review were provided by an outside transcription company **IN THE ATTACHED DOCUMENT.**

The motion to approve the Meeting Minutes of March 25, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor with Vice Chairman Rush abstaining.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**April 22, 2019/VAD**

**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK**

-----X  
**COMMERCIAL CAMPUS AT FIELDS CORNER p/k/a NORTHEAST  
INTERSTATE LOGISTICS, 51 Pugsley Road**

-----X  
**April 8, 2019  
Town of Southeast Town Hall  
1360 Route 22  
Brewster, New York 10509  
7:34 p.m.**

**BEFORE:**

**THOMAS LaPERCH, Chair  
JACK GRESS, Member  
JIM KING, Member  
MIKE HECHT, Member  
DAVID RUSH, Member  
ERIC CYPRUS, Member  
DANIEL E. ARMSTRONG, Member**

**PRESENT:**

**ASHLEY LEY, Town Planner  
VICTORIA DESIDERO, Board Secretary  
WILLIS H. STEPHENS, ESQ., Town Attorney**

**FOR THE APPLICANT:**

**DANIEL M. RICHMOND, ESQ.  
KATE ROBERTS, ESQ.  
Zarin & Steinmetz  
81 Main Street  
White Plains, New York 10601**

**Ilana Michael Nathanson, Court Reporter**

**Ilana Michael Nathanson, Court Reporter**

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2           MR. LAPERCH: We're going to have a  
3 meeting here that -- Ashley will start us off  
4 by explaining where they are in the process and  
5 what's left to be done in terms of review. We  
6 still, kind of, have a long way to go, but this  
7 is just one step along this path. Okay. And I  
8 want to make one thing perfectly clear: That  
9 this -- there is no public comment tonight. It  
10 will only be planning board members. So you  
11 will have a say eventually, once we get this  
12 more refined, and we feel that the town  
13 planning board members have, kind of, exhausted  
14 all the questions. And then we open it up to  
15 the public at some point.

16           Ashley will explain the timeline behind  
17 it. But before she does that, I just want to  
18 make another thing perfectly clear: What you  
19 see going on at 312 right now has nothing to do  
20 with the applicant. That was preplanned work  
21 by the DOT. Okay. So I just want to make sure  
22 -- you're saying, Oh, they're starting.  
23 They're not. That was DOT work, and it's -- it  
24 was preplanned. So I can't explain all of  
25 what's going on there, but it has nothing to do

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with this application at this point, because the DOT preplanned it. Okay. And what else? Okay.

I'll let Ashley explain right now where we are with this application, what's left to be done, and what agencies will be involved and how everybody gets a say in this.

So, Ashley, please. Our town planner.

MS. LEY: So up front, there's some extra copies of this diagram. But this is a diagram of where we are in the SEQRA process. So what's happened so far is we had the DEIS. That was accepted as complete. That was made public. There was a public hearing. Many of you participated in that public hearing, either by speaking at the meeting or sending letters in to the planning board.

The public comment period was closed. And since that time, the applicant has gone and prepared a final -- a draft final environmental impact statement. And that was submitted to the planning board about three weeks ago, and it's been on the town website. And that's the preliminary draft.

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2           So right now, what the planning board and  
3           its consultants are doing: We are reviewing  
4           the document. We're making recommended edits  
5           and changes. We're asking for some additional  
6           information. And the applicant will then go  
7           back and revise the document based on the  
8           directions from the planning board.

9           They will resubmit the document. It will  
10          be reviewed again. And once the planning board  
11          is satisfied that all of their comments have  
12          been sufficiently addressed, that all of the  
13          content is there, that the responses to the  
14          public comments are in there, voiced, and  
15          they're adequate, they will accept the document  
16          as complete.

17          Once the document is accepted as complete,  
18          it will be made available to the public, and  
19          the planning board will schedule a public  
20          hearing. That public hearing -- you will all  
21          be allowed to speak. There will be an  
22          opportunity for written comments. And once  
23          that public hearing is closed, the planning  
24          board will issue a statement of findings or a  
25          finding statement, and that is what ends the



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SEQRA process. So that just ends the environmental review portion of the process. It doesn't actually end -- it doesn't mean that the project's approved at that point.

From that point, the project would then go to the town board for a special permit. The town board will have its own public hearing on that process. If the town board grants the special permit, the project will then come back to the planning board for final site plan approval, and there may be another public hearing at that point. So there are still plenty of opportunities for public comment and involvement.

So right now, this is just the initial discussion of the initial submission of the final environmental impact statement, which is currently a draft. And we expect the applicant to do a presentation to the planning board and for the planning board members to ask questions about the draft document.

MR. LaPERCH: Okay. Before we go to the public, any comments from the board? Do they understand what Ashley just described as the

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process? Okay. Good enough. Thank you.

Okay.

At this time, we'd like to have the applicant stand up. And we'll dim the lights for everybody, and he'll walk through what he has to offer as the plan. Thank you.

Welcome.

MR. GILPATRICK: I think it's easier to do it over here, since I can point and talk to both audiences.

My name is Peter Gilpatrick. I am a real estate advisor to the owner of the property. With me this evening, I have Dan --

FEMALE SPEAKER: Is the microphone on?

MR. GILPATRICK: It is on. Can you hear? Does that work?

MR. LaPERCH: Hold on. Hold on. Let's get it right.

MR. GILPATRICK: It's on. Can you hear?

FEMALE SPEAKER: It's on.

MR. LaPERCH: Can everybody hear him?

THE PUBLIC: No.

MR. GILPATRICK: No. Okay.

MR. LaPERCH: Okay. That's more



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2           important. If you can't hear it -- let's go.

3           Peter, let's see if we can fix it before  
4           we move on, please.5           Does anybody have any audio visual -- or  
6           keys?

7           MALE SPEAKER: Just talk loud.

8           MR. LaPERCH: Peter, then you might have  
9           to come to the middle if it's not working, or  
10          if the other one's working over there.

11          MALE SPEAKER: Does that mic work better?

12          MR. GILPATRICK: Does that one work  
13          better? We can do that.14          FEMALE SPEAKER: It's working. You just  
15          have to hold it by --

16          MALE SPEAKER: Speak into it.

17          FEMALE SPEAKER: -- your mouth when you're  
18          talking into it.19          MR. GILPATRICK: Just talk into it? Does  
20          that work?

21          MR. LaPERCH: Okay. Thank you.

22          MR. GILPATRICK: Okay. So I'll start  
23          again. My name is Peter Gilpatrick. I'm a  
24          real estate advisor to the owners. And with me  
25          this evening, I have Kate and Dan from Zarin &

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2       Steinmetz, our attorney, and Kevin and Rich  
3       from JMC, our planner and our engineer.

4           Good evening, planning board, Chairman,  
5       staff, and residents of Southeast. We're going  
6       talk about the Commercial Campus at Fields  
7       Corners.

8           You'll understand that we've changed the  
9       name. And the reason we did so is: This  
10      project was historically known as the Campus at  
11      Fields Corners. And we've changed -- through  
12      the FEIS process that Ashley spoke about, we've  
13      changed the scope of the project, and we've  
14      limited it to just the OP-3 zoned area, which  
15      was the original Campus at Field Corner. So  
16      that's the reason for the name change.

17          Our mission is to build a modern warehouse  
18      distribution facility in Southeast that will  
19      preserve the area's rural character while  
20      bringing significant economic benefits to the  
21      residents in the form of tax dollars and jobs.  
22      The redesign reflects conversations with  
23      neighbors and lead -- and leaders. We actually  
24      got two or three months into writing the FEIS  
25      when we sat down and said, Let's do something

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2       different. So we'll move on. We have an  
3       agenda. We're going to touch on these items  
4       very quickly. So let's just go on to the next  
5       slide.

6           So the redesign. The footprint was  
7       consolidated by about 17 percent. As I said,  
8       it's consolidated to the OPZ -- OP-3 zoned area  
9       exclusively. There's no proposed development  
10      on the RC area. So the OP-3 area is about  
11      228 acres out of the 338 acres that are the  
12      full land owned by the owner. Our zoning -- we  
13      have -- no. Let me go back.

14           Originally, we were asking for zoning  
15      changes on the RC. Today, we are asking for no  
16      zoning changes. The use that we propose this  
17      evening is consistent with your current zoning.  
18      We're not asking for waivers or variances as  
19      the project is currently designed.

20           We've minimized the visual impact, and  
21      we've got a series of images for you to take a  
22      look at it. But it is significantly reduced in  
23      its size and its visual impact. And we've  
24      minimized the traffic impact doing three  
25      things, and the first was making the project

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2       smaller. We're down about 30 percent in our  
3       traffic volumes. We've doubled the capacity,  
4       and we'll show you that in a little bit, on 312  
5       between Pugsley and I-84, and we've also  
6       eliminated our retail uses in the former  
7       proposed project.

8           This is what we had before. You'll  
9       remember it was four buildings, and we were  
10      within about a quarter of a mile of Hunters  
11      Glen and 600 feet from Twin Brook. And here's  
12      312. I-84 is down here, and this building was  
13      in the RC zone. So this is RC, and the rest of  
14      the property was OP-3. And we'll go to the  
15      next slide.

16          And this is the newer project. The first  
17      thing we did was stay out of RC. So here's  
18      312. That's over 2,000 feet. It's upward  
19      sloping. You simply are not going to see the  
20      project from this direction. We have now moved  
21      to two buildings, consolidated Building B. So  
22      we are about a quarter of a mile from each of  
23      the two condominium associations. There are a  
24      couple of houses right here. We're a quarter  
25      of a mile from there, and we're also -- this is

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Tilly Foster over here. A quarter of a mile there. So our buffer around this project is a quarter of a mile. Two buildings: This one's 630,000 square feet, and this one's 303,000 square feet. Let's go to the next slide.

We say, "Built for Southeast," as it does -- it meets your current zoning code. And we've looked at your comprehensive plan extensively, and it's also consistent with that as we read it. 80 percent of the OP-3 zoned property, once we're done -- and I'll show you this again -- will be open space. It won't be developed. It won't have impervious surface. It won't have a building area. And we are, again, approximately a quarter of a mile from our neighbors. So -- and this, again, just shows simply where it is.

The other feature of our plan: We are not disturbing over 60 percent of the OP-3 property. So again, we're not talking about this down here. This property. So what you see in dark green is overgrown fields. It's natural habitat. It's not going to be disturbed, and we have committed to make most

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2           of that a conservancy.

3           What does that mean? It won't be  
4           developed in the future. So what can be  
5           developed up here is simply these two  
6           buildings. You would allow, by code, up to  
7           about a million and a half square feet there if  
8           it could fit. We're at 900, so we're under  
9           10 percent FAR. Let's go to the next one.

10          In terms of preserving the rural area --  
11          rural character and protecting the environment,  
12          the first thing -- and this is one of the  
13          comments we got a lot: Can we see this thing  
14          at night? So the answer is no, because all of  
15          the lights are going to be dark -- dark-sky  
16          compliant, meaning, they just shoot down, and  
17          they're low. We've lowered them five feet in  
18          the parking lots so that they are virtually  
19          invisible. And overnight, they will only be  
20          tripped on if something circulates there. So  
21          it will be dark in the evening.

22          There won't be lights on the side of the  
23          buildings, as we've heard before, where, maybe  
24          at Home Depot, you light up the side of the  
25          building. It stays that way all night.

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2           (Indiscernible.) We're not doing that.

3           We're going to add a lot of landscaping,  
4           and it's in our -- it's in our FEIS. But we  
5           are also taking -- I think it's 50 trees to  
6           each of the condominium communities and  
7           allowing them to plant those where they may to  
8           provide additional buffer.

9           In terms of noise and air quality, these  
10          are comments we got a lot of earlier. We've  
11          had a fellow study this and restudy it. In my  
12          summary, it is from -- and these are his words,  
13          not mine: You can open your window at night,  
14          and you can sleep. There's no noise that's  
15          going to come from here that's going to wake  
16          you up. And we will -- we will further --  
17          there can be rooftop equipment and air  
18          conditioning. If that comes, those will be  
19          baffled down. We don't exceed any codes, and  
20          we're actually willing to stipulate below your  
21          code levels what the noise emissions might be  
22          from those.

23          Let's go back to the plan one second.  
24          Another thing: For this particular condominium  
25          community, we're building a berm. A berm is a

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2       pile of dirt, landscaped, but it's big. It's  
3       going to be 12 feet high, right here. We're  
4       going to add additional plantings here so that  
5       we're doing everything we can to buffer the  
6       residential communities from what we're  
7       building.

8           Additionally, in terms of circulation --  
9       and this is consistent with what we did last  
10      time. All of the truck docks are on the I-84  
11      side. We've further refined the plan so that  
12      only employee parking and employee cars can  
13      circulate around the building, also fire  
14      engines and that sort of thing can. But trucks  
15      stay back here, and they're actually prevented  
16      from circling around the project.

17           We've added turnarounds, so the trucks can  
18      actually come in and turn around and go back  
19      out. We have a turnaround out here for trucks  
20      that may wander in, and this is not their right  
21      place. They can turn around here and go back  
22      out. We're going to talk about -- it's a good  
23      time to talk about it now.

24           FEMALE SPEAKER: Excuse me. Could you  
25      please raise your voice.



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2           MR. GILPATRICK: I will try. I'm blessed  
3 with my mother's voice and -- and it's not --  
4 it doesn't always carry, but I will try.

5           So we have a turnaround here --

6           FEMALE SPEAKER: Could you review that  
7 truck again? Could you review the -- what you  
8 said about the trucks going around?

9           MR. GILPATRICK: Okay. So trucks come in  
10 either driveway this way, and they stay to this  
11 side of the building or this side of the  
12 building. They are prevented from going around  
13 the building. The other plan, you could  
14 actually circulate a truck around the building  
15 if it wanted to turn around. In lieu of that,  
16 we've put in turnarounds. And if you got  
17 closer, you could see circles here and a circle  
18 there and a circle there. These are where the  
19 trucks, and they can be articulated trucks, can  
20 go in and turn around and go back out.

21           FEMALE SPEAKER: So all of this is  
22 internal?

23           MR. LaPERCH: This is not a public  
24 comment. Please let him finish.

25           MR. GILPATRICK: It is -- it is internal.

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2           And then employee parking is on the  
3           outside, here and here, and that's accessed  
4           with a circular road that comes around to here  
5           and one that comes around to here. There's  
6           actually an elevation difference. And then we  
7           accommodate the ability to have fire and  
8           emergency vehicles come in.

9           So we do make positive economic benefits.  
10          There will be nearly or up to a thousand new  
11          jobs generated on-site, another 200 off-site.  
12          And this comes out of model called IMPLAN,  
13          which both looks at the direct impacts of a  
14          project, but also the indirect impacts, those  
15          businesses that interact with -- directly with  
16          the facility. And -- and also community  
17          impacts, which are induced, which means some of  
18          the people working here that would go into the  
19          local businesses, local stores, and spend money  
20          and become a part of the community.

21          It will generate \$30 million in new taxes  
22          over its first 15 years. 80 percent of that  
23          goes to the school system. That's the way you  
24          divide your taxes. 10 percent come to the  
25          town, and 10 percent, in round numbers, go to

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2           the county.

3           In contrast, the plan that was approved a  
4           number of years ago generated about 150 school  
5           kids going to schools. That's a cost of about  
6           \$30,000 a head. Additionally, the annual  
7           economic output, which is, again, generated by  
8           the IMPLAN model and includes both direct  
9           output, indirect output, and induced output, is  
10          \$73 million a year. That's new money into the  
11          community from this project.

12          Now, we have a series of pictures. And I  
13          am -- I'm not going to describe where all of  
14          the vantage points are, because I think you  
15          understand them better than I do. But looking  
16          over the reservoir, the buildings would be  
17          right in here. And the reason they're not on  
18          top of this particular hill is that one happens  
19          to be the tallest ridgeline back here, and it's  
20          115 feet taller than the ridgeline that's on  
21          our property. But there are ghostings, and  
22          you'll see them as we go through the slides.  
23          Right in here, but partially visible from this  
24          location all seasons. So these are the -- kind  
25          of, the tag lines that describe what you'll

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2       see. You'll see leaves on. You'll see leaves  
3       off. Next one.

4           Again, this is the leaves off for winter  
5       picture. The project is back -- back in there.  
6       And the next. And again, you can see the  
7       ghosting here. This is matched up with the  
8       height of the building and the actual elevation  
9       of the ground. So you can see where it is.  
10      This one won't be visible at all. Next one,  
11      please. Again, up here. Next one. Okay.

12           This is Hunters Glen. Here's where the  
13      building would be if it were visible and there  
14      were no trees. Right about there. That's  
15      leaves on. Next one is leaves off. And again,  
16      it might be a little -- little visible through  
17      the (indiscernible.) Next one. And again,  
18      also staying in Hunters Glen. This is the area  
19      where it would be. Leaves on, you don't see  
20      it. Leaves off would be up in this area. Now,  
21      remember, that's a quarter of a mile away.  
22      Next.

23           Here's Twin Brook, and that's where it  
24      would be from this particular vantage point,  
25      down there. So it won't be visible. And if

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2       you'll click the next one. That's leaves off,  
3       and there's the ghosted image. Next one.

4           This is Tilly Foster. And again, here's  
5       where Building B, the nearest, would be. By  
6       eliminating the building that was in the RC,  
7       which would have been up here -- that was the  
8       most prominently visible building in the former  
9       project. And here it is leaves off. And  
10      again, from Tilly Foster, just not visible all  
11      seasons. And again, it's a quarter of a mile  
12      away.

13           And we do have a website. If you'd like  
14      to visit it, it's [campusatfieldcorners.com](http://campusatfieldcorners.com).  
15      There are places to make comments. We're  
16      interested in hearing from you.

17           MR. LaPERCH: Thank you. Okay.

18           Just a couple of other things you should  
19      be aware of is that all our consultants have  
20      not given their reports in. So this is going  
21      to be an ongoing, kind of, review, because we  
22      haven't heard from our town engineer. We just  
23      received our wetland report. But I just spoke  
24      to Ashley. I was talking to Ashley that this  
25      presentation will be put up online tomorrow.

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2           So you can -- if you want to look at exactly  
3           those visuals, and you couldn't really see them  
4           clearly, you may get a better chance to see  
5           them once we put them up online. I'm not sure  
6           what the timing is, but we plan on putting them  
7           up online.

8           And for everybody's sake, you should be  
9           aware that this document is online also. Okay.  
10          So everybody has a chance to review it. And  
11          hopefully -- like I did. Mine is all stained  
12          with spaghetti sauce and everything, but I  
13          think I, kind of, read through it. But I just  
14          want to start off with a couple of comments.

15          First of all, I just want to share with  
16          the public that CareMount -- once again, it has  
17          nothing to do with this application, but  
18          CareMount Medical Group has got the approval  
19          they're working towards and, I think, should be  
20          able to start pushing dirt some point in the  
21          next week to resolve what we believe is the  
22          parking problem up there for an additional 75  
23          spaces that will be on top, behind the  
24          building, that will dump out into Independent  
25          Way. Okay. That has nothing to do with this

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2           application, but you should be aware of what's  
3           going on in our community, that that has been  
4           approved. And I think they're in the final  
5           stages of getting the documents together to  
6           start moving some dirt. So that's separate  
7           from that. And once again, I'm going to repeat  
8           that the DOT work that's going on right now has  
9           nothing to do with this application at this  
10          time. That was preplanned work. Okay.

11          Now, if you just bear with me, I might be  
12          just jumping around here. But I think it's  
13          important, because I did read it, and I, kind  
14          of, had some good things and some questions I  
15          still need answered.

16          First thing: I'll start with your  
17          wetlands. It seems that the report that we  
18          received from our wetland inspector today, kind  
19          of, indicated that you still have lots of  
20          studies to do. So we really can't dive into  
21          that subject matter because of the species  
22          issues and things like that have to be studied  
23          now through the summer. Is that a correct  
24          statement?

25          Let me just make sure -- the applicant

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2       does not have to answer our questions here  
3       tonight but -- tonight, but they do have to  
4       answer it in writing. Okay. So if he doesn't  
5       say anything, that's fine. But I want to be on  
6       record of asking the question, and that's all  
7       board members.

8           But based on my reading of our town  
9       wetland, he claims that there's lots of studies  
10      left to be done that have to be conducted this  
11      season and into the summer. So we can't really  
12      comment on the wetland mitigation plan in depth  
13      because of some studies, and that is my  
14      takeaway from this letter.

15           Ashley, am I, kind of, on point with that?

16           MS. LEY: There were some seasonal wetland  
17      studies that were requested and have not --  
18      were not included in the FEIS.

19           MR. LaPERCH: Okay.

20           MR. GILPATRICK: They will be forthcoming.

21           MR. LaPERCH: That's what I figured.  
22      Okay.

23           Now, I guess, you know, to me, it's always  
24      been about traffic, traffic, traffic. Now, one  
25      thing that jumped out at me is that -- when I



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2           was reading this, that the new plan drastically  
3           reduces truck traffic. And it -- and I saw the  
4           number come almost down, truck traffic only,  
5           from -- once again, I think where you got off  
6           to the wrong foot, in my personal opinion, was  
7           that you used truck traffic. But it's trips.  
8           And the trips are -- have to be divided by two  
9           to really come down to the number of trucks in  
10          and out a day. And if I was reading this  
11          correctly, you go from around 150 trucks on the  
12          old plan to 65 trucks, and double that trips.

13          MR. PEARSON: Correct.

14          MR. LaPERCH: Correct. Okay.

15          Now, that's just trucks. I didn't get a  
16          good handle also on the employment traffic and  
17          things like that. You took out the retail  
18          component of the property, which drastically  
19          reduced it. But I think -- and I think  
20          Ashley's firm did a fabulous job on, kind of,  
21          distilling -- and I call it, like, the Cliff  
22          Notes of this four-inch thing, into what needs  
23          to be addressed.

24          But to me, I need a chart. I'm a chart  
25          guy. I want to see what you proposed and what

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2       this new plan is actually saying, and I want to  
3       see the difference in a chart. Your narrative  
4       doesn't give a clear picture of the impacts.  
5       So on every category along the way here, I  
6       think you have to, in my opinion, give us what  
7       was proposed, not only with the single-family  
8       houses, but the old plan of the larger, and now  
9       what the new one is. And I think it would give  
10      a clear picture and, kind of, in some ways,  
11      dumb it down to have an understanding of how  
12      these things are impactful. Okay.

13           MR. GILPATRICK: We're going to prepare a  
14      chart.

15           MR. LAPERCH: You are going to do that.  
16      Thank you. Okay.

17           The other issue is more of a legal issue  
18      to me, because it, kind of, comes up in a --  
19      quite a bit here about how this project fits  
20      into our definition of light manufacturing.  
21      Okay. There's a difference. There's a nuance  
22      here that it falls within, in my  
23      understanding -- correct me if I'm wrong,  
24      Ashley -- under a special permit. We don't  
25      have a clean definition of "warehousing,"

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2       correct, in the --

3           MR. RICHMOND: I think it pretty clearly  
4       falls under -- warehousing under your  
5       comprehensive plan falls within light  
6       manufacturing. That's what your light  
7       manufacturing --

8           MR. LaPERCH: That's what that -- you make  
9       that argument in this. I see that, that it  
10      does, that it does fall in with that.

11          MS. LEY: The zoning code has a definition  
12      for warehousing and a definition for light  
13      manufacturing. Light manufacturing is a  
14      special permit use in the OP-3 zoning district.  
15      And the way that they -- it's been interpreted  
16      by the building inspector, based on the memo  
17      that was submitted by the applicant, that this  
18      project can be considered light manufacturing.

19          MR. LaPERCH: Thank you.

20          MR. RICHMOND: Right. I think that's a  
21      point. The zoning inspector has concurred with  
22      our interpretation.

23          MR. LaPERCH: Do we have that in writing?

24          MS. LEY: Yes.

25          MR. RICHMOND: Yes.

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2           MR. LaPERCH: Thank you. Okay. Back to  
3 my traffic thing.

4           You had originally proposed in your DEIS  
5 510 truck trips, which, divided by two, is 250  
6 trucks. Based on the new plan, which is here  
7 on page 1-7, your new traffic generation study  
8 shows 130 trips. Divide that by two. You're  
9 saying 65 -- they're saying, basically, 65  
10 trucks a day coming through that.

11          MR. PEARSON: Yeah. That's based on our  
12 studies at the Gap and the Matrix facilities,  
13 two nearby similar facilities.

14          MR. LaPERCH: And part of --

15          MR. PEARSON: And it's adjusted for the  
16 square footage of those developments relative  
17 to our development.

18          MR. LaPERCH: Right. You say, "It's  
19 almost 200 percent bigger than ours."

20          MR. PEARSON: Right. The Gap is, yeah.

21          MR. LaPERCH: Okay. Okay. And I guess I  
22 just didn't pay attention here just now, but  
23 you are adding two lanes; correct?

24          MR. PEARSON: Correct, between Pugsley  
25 Road and the 312 eastbound ramp. We're adding



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2           one lane in each direction.

3           MR. GILPATRICK: Didn't pop up the first  
4           time around.

5           MR. LaPERCH: Yes. Please show it.

6           MR. GILPATRICK: Okay. So I-84 --

7           MR. LaPERCH: Use the mic, please, or  
8           stand up in the middle, please. Just stand up  
9           in the middle, Peter. That would be easier.  
10          Thank you.

11          MR. GILPATRICK: Okay. I-84 is over here.  
12          CareMount is in here. Pugsley. 312 comes up  
13          this way.

14          You'll recall last time around, we were  
15          talking about a roundabout. This will be a T  
16          intersection at Pugsley and 312. From Pugsley  
17          up to I-84 will now be, we propose, four lanes,  
18          two lanes in each direction, which increases  
19          the capacity from here to here, makes it easier  
20          to move.

21          The reason you see two drawings here is  
22          these have both been up to DOT. One has a  
23          right-turn-only lane. The other has two lanes,  
24          one of which is through. Two lanes start here,  
25          coming up from Tilly Foster and Route 6, and

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2           then proceed as two lanes through the  
3           intersection.

4           The light will be a pressure demand light,  
5           which means if there's nobody here, the light  
6           is always green to facilitate through traffic.  
7           It's only when something comes down here,  
8           triggers it, puts it -- then the light will  
9           trigger. There will be a short period where  
10          those vehicles can exit. Then it goes back to  
11          green. So from here to here, four lanes.  
12          We're also doing signal coordination, for lack  
13          of a better term, but that's aligning signals  
14          to the traffic flow. And we also understand  
15          that the state has reasonably appropriated  
16          \$2 million to better rationalize this  
17          intersection.

18          So at the end of the day, it's significant  
19          improvements. We're adding probably around 250  
20          to 300 trips at rush hour for this. Right now,  
21          there's well over 2,000 trips that go through  
22          here rush hour each day. It's about a  
23          10 percent increase, doubling the volume from  
24          here to here, and then changing the  
25          signalization to better enhance the flow.

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2                   MR. LaPERCH: Peter, also explain what  
3                   you're going to be doing towards -- now that  
4                   the Prospect Hill Bridge is in play, you're  
5                   going to be doing some fill south of that.

6                   MR. GILPATRICK: Okay. So Prospect Hill  
7                   is -- that's the one that was closed forever.

8                   MR. LaPERCH: Yes, it was.

9                   MR. GILPATRICK: Okay. So it's now open.  
10                  And what -- what we have to do and what's been  
11                  expanded is, now that it's open, we have to  
12                  study that. And we have studied that, and that  
13                  information will go into your -- into the  
14                  report --

15                  MR. LaPERCH: Okay.

16                  MR. GILPATRICK: -- your FEIS once we've  
17                  delivered it to you.

18                  MR. LaPERCH: Okay. Thank you.

19                  And then there was a positive -- your new  
20                  plan is actually a positive on the groundwater;  
21                  is that correct? Is that right? It's less  
22                  demanding, because you're --

23                  MR. PEARSON: Yes, compared to the  
24                  residential.

25                  MR. LaPERCH: That's --

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2           MR. PEARSON:   It's substantially less.

3           MR. LaPERCH:   Once again, I'd like to see  
4           that in a chart.

5           MR. PEARSON:   Yes.

6           MR. LaPERCH:   That's a big issue here.  
7           Because based on what you wrote here, there's a  
8           big -- you know, there's not a drawdown  
9           compared to having the houses. So I think you  
10          should elaborate on that.

11          Another major concern I had for this  
12          project was the input from our town fire  
13          department and our EMS people. And based on  
14          their -- the applicant's reply here, they spoke  
15          to Chief DeSantis, and the chief came. Their  
16          takeaway was that it will improve emergency  
17          access. It's not -- it's not anticipated to  
18          place significant demands on emergency  
19          services. And he said -- what else there  
20          was -- that he didn't -- the fire  
21          department's -- Chief DeSantis did not see a  
22          problem with the facility from a -- but we  
23          didn't see anything in writing. So I'm  
24          requesting a letter from the -- not only the  
25          county, but the town highway department -- I





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2           mean fire department to say that was true.

3           Okay. And we'll visit that once we get it. He  
4           was fine with circulation and things like that.5           You talked about your berm. I want to go  
6           into your marketing report from CBRE. And  
7           they, kind of, show there's a vacancy. I'd  
8           like to see that. That was interesting.9           Another thing I picked up on, which is  
10          part of a big project, outside storage. Is  
11          there going to be any outside storage at this  
12          property, and is it allowed? Because it says,  
13          "Very limited need for small outside storage."  
14          So is that something that we're going to allow,  
15          or is that something up for discussion?16          MS. LEY: It's permitted in the zoning  
17          district and with the use, but they haven't  
18          shown it on the site plan.19          MR. RICHMOND: We're not proposing it at  
20          this time on this plan.21          MR. LaPERCH: In any event (indiscernible)  
22          may have limited needs for outside storage. I  
23          want to address it. If there's a -- if you're  
24          going to need it, bring it, and show us what  
25          you're going to do. And we'll figure it out.

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2 Okay.

3 One other thing I saw in your calculations  
4 that maybe I'm -- you know, the fact that you  
5 have a smaller footprint and the impact on the  
6 wetlands and things like that. Do you really  
7 need all that parking? Seems like a lot of  
8 parking. I'd like you to, kind of, revisit  
9 that, because your footprint is encroaching in  
10 on a wetland buffer. And if you're saying your  
11 conservative figures, do you really need all  
12 that parking? So maybe there's a way of  
13 reducing it. That's a question. I'm not -- I  
14 don't know if you're going to answer tonight.  
15 I'm not looking for you to answer.

16 MR. PEARSON: I'll just say tonight that  
17 we have shown a portion of the parking to be  
18 land bank parking. So if it's not needed, it  
19 wouldn't be developed. It wouldn't be paved.  
20 If it is needed, then it would be.

21 MR. LaPERCH: Okay. Thank you.

22 Just back to the fire department. There  
23 was a comment here in 48-4.48. The fire  
24 department did not express a need for  
25 additional equipment. Okay. I want that



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2 memorialized. Okay.

3           I guess I was confused and -- on the  
4 response to Number 4-52B. If you can, if you  
5 want, explain. Applicant projects  
6 approximately 1520 trips per day. And so if  
7 you have 65 -- 150 -- 150 trips of truck\$5or  
8 trucks, what is the 1500 on Response 4 --  
9 Number 4-52B mean? Okay.

10          MR. PEARSON: That would include  
11 employees.

12          MR. LaPERCH: Sounds like a lot.

13          MS. LEY: It's the three shifts.

14          MR. PEARSON: We'll provide additional  
15 information on that. That would be based on  
16 to three shifts.

17          MR. LaPERCH: To me, if I do the math of  
18 1500 trips, that's 760 vehicles.

19          MR. PEARSON: That's in three different  
20 shifts.

21          MR. LaPERCH: I get that.

22          MR. PEARSON: Right.

23          MR. LaPERCH: I get that. Okay. I just  
24 want to make sure I understood what you're --  
25 okay. Sorry. Okay.

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2           Once again, I would -- I failed to see,  
3           but I think we addressed it earlier, was  
4           that -- a chart of what the generation traffic  
5           would be based on your old plan that you claim  
6           of the residential, what the bigger project  
7           would have been, and what you're proposing now.  
8           Okay. Now, my com -- I'm referring to Comment  
9           Number 4-140 regarding -- our Town Councilwoman  
10          Lynne Eckardt asked about the Barrett Road.  
11          Now, this plan, for the public's purposes,  
12          Barrett Road will be needed for the building  
13          pad site. So there's a -- we need to get paid  
14          for that, according to Lynne's comment. And  
15          we're going -- we haven't responded. They  
16          haven't responded to that yet. But there will  
17          be discussions regarding that, correct, the  
18          Barrett Road issue and the mapping it and  
19          take --

20               MR. RICHMOND: That's a discussion we're  
21          having with the town.

22               MR. LaPERCH: Yeah. We haven't anything  
23          memorialized, but it's something that still  
24          needs to be addressed. Okay. Thank you for  
25          your patience.



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2           Once again, I can't comment on the wetland  
3 position because of the need for further  
4 studies that will be going on now. Okay.

5           Comment Number 6-22: The current proposed  
6 project result in 48.4 acres of impervious  
7 services. The SWPPP has been designed to  
8 provide channel protection (indiscernible.) So  
9 is that a reduction in terms of impervious, the  
10 new plan?

11          MR. PEARSON: Yes.

12          MR. LaPERCH: The answer's yes; right?  
13 Okay. So that's a positive. Okay. All right.

14          I'm jumping around here, but 10 -- 10-4.  
15 You used the -- it's regarding, kind of, an  
16 economic -- we're on the tax analysis section.  
17 And your general contractor's estimating \$45 a  
18 square foot to build this building. We should  
19 get his name, because that sounds awfully low.  
20 That's from my stand -- from my stand -- that's  
21 my personal opinion on that. Okay. Okay.

22          The other, kind of, hot topic of the day  
23 is -- and I'd like Ashley to explain it to the  
24 board and myself again and, kind of, make sure  
25 I understand, but a PILOT. How is a PILOT

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2           approved? What's the process behind it?

3           Because your numbers that you are projecting  
4           out here over a ten-year period are significant  
5           dollars. And I want the public and the board,  
6           actually, to, kind of, understand what the  
7           process -- who votes on it and to tell us what  
8           it's all about if you could.

9           MS. LEY: Sure. So a PILOT is a payment  
10          in lieu of taxes. It would be -- first have to  
11          be approved by the town board. It would also  
12          have to be approved by the school board. But  
13          ultimately, it's approved by the Putnam County  
14          IDA. And what it does is it allows the  
15          developer to, basically, ramp up its tax  
16          payments over time, so that eventually it will  
17          be paying the full amount of taxes. But it  
18          allows the developer to have some tax relief  
19          while it's stabilizing the development.

20          MR. LaPERCH: Who votes on it? What's the  
21          process behind approvals on that?

22          MS. LEY: So it's being discussed in the  
23          FEIS. We've asked for some additional  
24          information on how they calculated their  
25          anticipated PILOT payments. Ultimately, the

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2           town board needs to vote on it. The school  
3           board needs to vote on it, and then the Putnam  
4           County IDA votes on it.

5           MR. LaPERCH: Okay. Okay. I'm going  
6           to -- one of the things I've asked Ashley if  
7           it's appropriate: I -- during this process,  
8           before we vote on anything, I'd like to invite  
9           our tax assessor to the meeting in case --  
10          during the public forum in case there's  
11          questions. I'd like to get the school board  
12          here to understand what -- you know, what their  
13          feelings are, because there's some conflicting  
14          information. Because based on the applicant's  
15          tax analysis, they're going to make -- they're  
16          going to get some good money, but I don't know  
17          if that's going to reduce our taxes or not.  
18          And I want to hear it exact -- I want to hear  
19          it from the school board. I want to hear that  
20          this project has a net benefit to us.

21          Because at the end of the day, it looks  
22          like you have \$28 million over a ten-year  
23          period. That's significant money. And I know  
24          that -- I know that there's -- that people are  
25          saying, Listen, what's the benefit of having

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2       this come in if we don't see at least a benefit  
3       in our taxes at a minimum? So I want to hear  
4       from the school, who happens to be the largest  
5       user of our taxes, how it works. So I want to  
6       put them on the spot. And hopefully they'll  
7       come and tell us the process, because they can  
8       gobble up that million dollars like that. So I  
9       just want to say my intentions hopefully are to  
10      have a representative of the school board or  
11      school to talk to us about the budget. Okay.  
12      And I will have our tax assessor, kind of,  
13      explain what she believes are the economic  
14      numbers behind this from a town standpoint.  
15      Okay. So we'll have that. And I will -- I  
16      did -- I would like to also invite our town --  
17      our fire department back to make sure that  
18      we're all on the same page here. Okay. Two  
19      more pages, if you don't mind.

20           Once again, I referenced the fire  
21      department conversation. Response Number 11-8:  
22      Applicant's representative had a meeting with  
23      the Brewster fire chief, Moe DeSantis, on  
24      December -- on September 18th, 2018, to discuss  
25      the DEIS plans. I'm just giving you



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2           highlights. And he, once again, had no problem  
3           with not only the water source, but also the  
4           whole development at that point. But I'd like  
5           that memorialized somewhere for the town  
6           record. Okay. All right. I think I'm on my  
7           last page here. Okay. Yes.

8           The fire department, in Response 12-2:  
9           There is ample water to address a fire on the  
10          site with the proposed 303 700,000-gallon water  
11          storage as discussed. So we do have input from  
12          our emergency services people, but I would  
13          personally like to get a letter.

14          On to utilities. I'm -- my daytime job is  
15          a broker in Westchester County, and I know  
16          there's a moratorium on gas from Con Ed. And  
17          it's -- there's an -- Response 12-4 that  
18          they're going to need to upgrade their services  
19          to bring gas to the service. And I just wanted  
20          to know: Is that capacity issue the same in  
21          Westchester that they have moratorium, or is  
22          there any problems here? You don't have to  
23          answer it, but it, kind of, jumped out at me  
24          because of the moratorium with the -- down  
25          south. That finishes that.

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2           I did -- and shame on me. Didn't get to  
3           see it. But our -- Tom Fenton, our town  
4           engineer, did respond. Very technical in  
5           nature. I won't get into it now, but it will  
6           be an evolving situation in terms of getting  
7           the right answers and have his concerns  
8           addressed.

9           So once again, I think that's -- we're in  
10          the first stage of a couple of meetings to make  
11          sure that not only what I'm going to say, what  
12          my board members -- and I thank the board  
13          members. It's a lot of work to absorb this and  
14          come up with good questions. And you can see  
15          the effort they put in tonight is going to be  
16          rewarding. And then, eventually, the ball will  
17          be in your court to, kind of, come back to us  
18          with what your thoughts are. But I think the  
19          applicant did a very good job in addressing  
20          what we believe are initial concerns. And  
21          we're not going to make everybody happy, but  
22          it's a give and take at this point. And we  
23          still got a way to go.

24          So I'm going to, kind of, now take a  
25          breath and have a glass of water. And I'm

1           COMMERCIAL CAMPUS AT FIELDS CORNER  
2           going to start with, to my right here, Mr. Jim  
3           King, who will give his comments regarding this  
4           project. Thank you.

5           MR. KING: I don't have any real macro  
6           comments. Mine are -- mine are small concerns  
7           about the 312 access. And I think that can be  
8           shelved for later. So no comments.

9           MR. LaPERCH: At this time. Thank you.

10          MR. KING: At this time.

11          MR. LaPERCH: Thank you.

12          Mr. Gress. Thank you. How are you doing?

13          MR. GRESS: Good. I've reviewed the FEIS.  
14          I have several questions regarding traffic,  
15          taxes, the PILOT program, the DOT, and their  
16          response. Everything that I wanted to ask  
17          questions for tonight, Ashley, Joe, Steve, and  
18          Tom have put into their comments. So I'm  
19          willing to wait until the applicant responds to  
20          their comments.

21          MR. LaPERCH: All right. Thank you.  
22          That's fair.

23          Mr. Hecht.

24          MR. HECHT: I too have some comments that  
25          I can reserve until later on in the process,

## 1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 but I echo your concerns about the visual  
3 charts for trips. One thing, just doing basic  
4 math in my head, if it's going from 250 to 60  
5 trucks, that's about a 75-percent decrease. I  
6 don't think the proposed building size changed  
7 by 75 percent. So, obviously, there's some  
8 thought and some judgment that went into that  
9 reduction, which I would like to see, because  
10 it is a pretty significant decrease from the  
11 last time we spoke. And I, obviously, have the  
12 same concerns about -- I think it's a great  
13 idea to bring the school and the assessor in,  
14 because it would, I think, make sense to see if  
15 we are actually going to realize some type of  
16 impact and relief for a project of this nature.

17 So the only other thing I wanted to  
18 mention -- if it's down the road in future  
19 discussions, you can let me know. But if we  
20 have ever finalized the hours of operation, or  
21 if that's still, kind of --

22 MR. LaPERCH: It's in there.

23 MR. HECHT: Okay.

24 MS. LEY: It's in there.

25 MR. HECHT: I didn't see that part.

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2           MS. LEY:   So what they've said is that it  
3           will be 24 hours a day, but the trucks wouldn't  
4           be 24 hours a day. The late night shift would  
5           be employees --

6           MR. HECHT:   Okay.

7           MS. LEY:   -- restocking. It would be a  
8           smaller shift.

9           MR. HECHT:   Okay.

10          MS. LEY:   If the applicant wants to  
11          address that further.

12          MR. RICHMOND: I think you stated it well,  
13          that the -- what we're proposing now would not  
14          involve truck traffic, I think, between  
15 a.m. 15       -- 11 p.m. and 6 a.m.

16          MR. LaPERCH: Can everybody hear that?

17          THE PUBLIC: No.

18          MR. LaPERCH: All right. I apologize. If  
19          he's going to say something, I'll have him  
20          stand up. Okay.

21          MS. LEY:   So what he said is that the --  
22          the truck traffic would not be after 11 p.m. at  
23          night or before 8 a.m. in the morning; is that  
24          right?

25          MR. RICHMOND: Primarily, I think --

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2 MR. LaPERCH: Wait. Wait, please.

3 MR. RICHMOND: 6.

4 MS. LEY: Sorry. 6.

5 MR. RICHMOND: 6. With the idea being, as  
6 Ashley said, that those hours would be  
7 primarily used by employees who arrive by car  
8 to restock and do nighttime activities, prepare  
9 for the day shift.

10 MS. LEY: And that's something that would  
11 be memorialized in the finding statement, the  
12 special use permit, and the site plan approval.

13 MR. LaPERCH: And just to jump in here: I  
14 believe, also, you made a commitment not to  
15 have any hazardous waste as product that comes  
16 into the site; is that correct?

17 MR. RICHMOND: Well, we said hazardous  
18 waste as regulated by the Department of  
19 Environmental Conservation, which is what the  
20 -- I think the town's primary concern is. I  
21 mean, we don't want to get -- you know, in  
22 similar projects we've worked in, you know,  
23 obviously, normal consumer products technically  
24 contain hazardous waste. Nail polish,  
25 computers.

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2                   MR. LaPERCH:   So the definition is going  
3                   to be based on what?   Who is --

4                   MR. RICHMOND:   DEC, which is primarily  
5                   based on --

6                   MR. LaPERCH:   The DEC's definition of  
7                   hazardous waste?

8                   MR. RICHMOND:   Yes.

9                   MR. LaPERCH:   Thank you.   Okay.   All  
10                  right.

11                  Are you finished, Mr. Hecht?

12                  MR. HECHT:   Yes.

13                  MR. LaPERCH:   Thank you.

14                  Mr. Armstrong.

15                  MR. ARMSTRONG:   Okay.   Some of my  
16                  questions have already been touched on.   My  
17                  first question was going to be:   Is this a  
18                  24-hour-a-day operation?   And I guess even  
19                  though you have -- you've limited the hours  
20                  that trucks can come in.   It's still going to  
21                  be occupied and working 24 hours a day with the  
22                  employees restocking or whatever it is they're  
23                  doing.   Okay.   So it is a 24-hour a day  
24                  operation.

25                  Secondly, there is -- as compared to the

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2           previous design proposal and layout, this one  
3           requires no zone changes whatsoever; is that  
4           correct?

5           MR. RICHMOND:   Correct.

6           MR. ARMSTRONG:   Okay.   The -- another  
7           question is -- has to do with -- in your  
8           traffic study, have you anticipated where the  
9           bulk of the traffic entering and leaving the  
10          site will be coming from? Will it be off of  
11          84, or is it going to be using, to some degree,  
12          what we call local streets, even though they  
13          are numbered roads? Have you got any -- a  
14          number on that one?

15          MR. PEARSON:   Yes.   All that information  
16          is detailed in the FEIS.

17          MR. ARMSTRONG:   Okay.   So it's all in  
18          there.

19          MR. PEARSON:   It's all in there.

20          MR. ARMSTRONG:   I didn't see it. Thank  
21          you.

22          MR. PEARSON:   Mr. Armstrong, there's a  
23          separate volume related to the detailed traffic  
24          information, and that's where that detail is.

25          MR. ARMSTRONG:   Okay.   Thank you.



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2                   Also, it may seem like a minor item, but  
3                   the color of the building does play a role in  
4                   its visibility to the public in general. And I  
5                   have a favorite building in town that really  
6                   disappears at night, and I'll give you the name  
7                   of the building. But I don't know whether  
8                   you've chosen a color or whether that's still  
9                   up in the air. And really, that's about what I  
10                  have. As it progresses, I may add some other  
11                  questions.

12                 MR. LaPERCH: Thanks, Dan.

13                 MR. ARMSTRONG: Thank you.

14                 MR. LaPERCH: All right. Mr. Cyprus, how  
15                 are you doing?

16                 MR. CYPRUS: Good. First off, thank you  
17                 for your detailed comments.

18                 I have a couple of questions. Some are,  
19                 kind of, process oriented. But, you know, one  
20                 thing that I hear from the public a lot is  
21                 about an exit off of 84. I've heard that  
22                 that's off the table. Did we ever get, like,  
23                 an official thing that it's definitely out of  
24                 the question?

25                 MR. LaPERCH: It -- I can answer it. We

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2           were at the DOT meeting, and it is in -- it's  
3           in the response. It's that because of -- the  
4           federal government has restrictions on exits --  
5           mileage between exits, and this is not  
6           qualified for it.

7           MR. CYPRUS: Okay. The PILOT program, are  
8           they always that ten-year thing that we looked  
9           at, or, as the agencies review, it they can --  
10          could be different and, you know, different  
11          percentages and different lengths of time?

12          MS. LEY: They can be different, and each  
13          IDA operates with its own criteria.

14          MR. CYPRUS: Okay. And then just, again,  
15          process-wise, like, for example, Ashley, you  
16          had over a hundred comments. Like do we expect  
17          all of our comments to go to them and get one  
18          response back, or how much iteration do you see  
19          us doing here? Like are they responding to  
20          yours and then we're going to chime back in?  
21          Where do you see this going?

22          MS. LEY: So what I would expect to happen  
23          now is that if the applicant has any questions  
24          about any of the consultant comments, they  
25          would reach out to the consultants directly.

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2           We can clarify any of those comments. There  
3           might be some staff-level meetings to clarify  
4           comments and approach. And then the applicant  
5           will submit a revised document, a full revised  
6           document. That would then be posted on the  
7           website again. We'd get another set of formal  
8           memos from the consultants. The planning board  
9           would then review it at an open meeting. And  
10          if the document has been sufficiently revised  
11          at that time, it would be accepted as complete,  
12          or there could be another round of revisions.

13          MR. CYPRUS: Okay. That's all I have  
14          tonight.

15          MR. LaPERCH: Thank you.

16          Mr. Rush, how are you doing?

17          MR. RUSH: Great. Thanks again for your  
18          summary, and also for yours, Ashley.

19          I have a couple of visual questions,  
20          because I'm more of a visual person. In the  
21          presentation that you did just give, you showed  
22          images that were superimposed of where you saw  
23          the building. I was actually having a very  
24          difficult time understanding what it was I was  
25          looking at, and that's for me. So I'm not sure

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2           if that was intended to make me feel good or  
3           bad if I were somebody that's looking at this  
4           project, but I don't think it was represented  
5           properly to me. I never understood what I was  
6           looking at.

7           To Dan's point, the design of the building  
8           is not in this yet. I know we're, kind of,  
9           talking about it. I would certainly have a lot  
10          of questions about what this building is going  
11          to look like. What does the roof look like?  
12          All these other aspects.

13          I did have a question: How do we measure  
14          sound from this project?

15          MS. LEY: So they did set up some noise  
16          monitoring equipment to establish the baseline,  
17          and then they modeled what the anticipated  
18          noise levels would be at those locations once  
19          the project is constructed. And that's based  
20          on the traffic, so the vehicle noise as well as  
21          the building noise.

22          MR. RUSH: And this is based off of our  
23          current town sound ordinance?

24          MS. LEY: Well, that's based -- that's the  
25          threshold for what the impact would be, but the

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2       noise modeling is done by an acoustic  
3       consultant.

4           MR. RUSH:   Okay.   I would be -- I would be  
5       concerned, or, at least, I'd like to know  
6       exactly how that gets enforced if that was the  
7       question.

8           And I had another question based on your  
9       hours of operation.   Are you flexible at all  
10      with your 6 a.m. starting time?   If -- 24 hours  
11      a day.   That means Saturday, Sunday 6 a.m.; is  
12      that correct?   You don't have to answer right  
13      now.

14          MR. GILPATRICK:   There's a -- I'm sorry.  
15      We've engaged a guy who's an expert on these  
16      buildings and an expert on their operations.  
17      Sunday would have a different set of hours.  
18      Saturday mirrors, for the most part, the  
19      weekday, because that's the day, if something  
20      breaks during the week, they make up time on  
21      Saturday.   As a general rule, it wouldn't  
22      happen, but that's how these buildings want to  
23      work.

24          MR. RUSH:   Okay.   And then on the diagram,  
25      you were showing where the traffic is.   I'm

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2           just wondering: As you were approaching  
3           from -- we'll call it planned south. And you  
4           said that that light would be changing if there  
5           was a demand for it. Would you be installing,  
6           further down the road, I guess, more in the  
7           Tilly Foster area, because you're, kind of,  
8           coming up the hill, would there be one of those  
9           flashing signs like you see on the Saw Mill  
10          that at least lets you know that there's a  
11          signal going on? Because I think a lot of us  
12          would be caught off guard if, all of a sudden,  
13          you were going there and -- I don't know. I'm  
14          just thinking about safety --

15               MR. GILPATRICK: That's a good comment.

16               MR. RUSH: -- primarily.

17               MR. PEARSON: They are proposed.

18               MR. RUSH: Okay. I know that Tom  
19          mentioned about the parking. I guess I'm a  
20          little concerned about that too. I'm  
21          wondering -- I understand the trucks need a  
22          very heavy base. But the vehicle -- vehicular  
23          traffic and parking, could any of that be  
24          impervious -- I'm sorry -- pervious paving?  
25          Could we look into that? Is that a

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2           possibility?

3           MR. PEARSON: There's certain guidelines  
4           for pervious pavement, very specific  
5           guidelines. We did look into that. There may  
6           be one small area that we can implement that.  
7           But generally, while we looked at it, we could  
8           not provide that for -- there's a certain  
9           amount of cut that you're allowed to do, how  
10          much excavation, and it's relative to the  
11          groundwater elevation. You cannot do it in  
12          fill areas. So based on these variety of  
13          things, there were certain constraints on  
14          providing that. But we did definitely look  
15          into it.

16          MR. RUSH: Okay. I recognize that  
17          durability is also a pretty important issue.  
18          That's it for me for right now. Everything  
19          else has been mentioned.

20          MR. LaPERCH: All right. Thank you,  
21          David.

22          Three more things that popped in my head  
23          while reading through this report: There is a  
24          provision that there will be no accommodations  
25          or sleepovers allowed on site. There's no

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2           rooms. They don't -- they come and they go.  
3           There is a waiting area they can freshen up in,  
4           but they're not allowed to sleep over. And  
5           that area as you're approaching Pugsley now  
6           that you've seen the honey truck and everything  
7           that trucks typically park on, that will be  
8           blocked off. So there won't be -- anybody have  
9           the ability to park on the side of the road.  
10          So they're going to come into the site, in  
11          theory, do their business, come back out, is my  
12          understanding.

13               MR. PEARSON: Yes. It's actually shown  
14               there on the exhibit in green.

15               MR. LaPERCH: Okay. I know. But it was  
16               about the sleepover. There's concerns. And  
17               then there was an issue here that I also  
18               read -- I don't know what section it was, but  
19               idling. Idling. And I think that's an  
20               enforcement issue more than anything. And I  
21               don't know who enforces it other than your  
22               plant manager. But I think I'm going to hear,  
23               once the public gets a shot at this, they don't  
24               want to hear 40 trucks idling, okay, with the  
25               back up sounds. I don't know what that term



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2           is. But I can tell you that, to me, is another  
3           hot button issue. Okay. But it's an  
4           enforcement issue that I don't see how the  
5           town -- you know, we can, you know, help you  
6           out, other than you have to police it yourself.  
7           And if it comes to the point, we're going to  
8           have to send over there -- do you want to  
9           answer that, Dan?

10           MR. RICHMOND: Just briefly. You know, as  
11           we've detailed in the FEIS, through -- each of  
12           the buildings would have some manager on site  
13           that that would be part of their  
14           responsibility, would be to enforce things like  
15           the anti-idling requirements.

16           MR. LaPERCH: Okay. All right. We just  
17           received -- I just received tonight a letter  
18           regarding Patterson -- Town of Patterson's  
19           supervisor sent it. Everything I'm talking  
20           about is public information. So you always can  
21           look it up, but I'm trying to give you the  
22           Cliff Notes here. The Town of Patterson has a  
23           problem about the potential traffic impacts  
24           that people are cutting through on that Pugsley  
25           Road, and we have a two-page letter from the

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2           town supervisor telling us to take a hard look  
3           at it. He wasn't comfortable with it.

4           At tonight's meeting, I received a letter  
5           from the applicant, which will be on file with  
6           everybody, from the sheriff's department,  
7           saying that he doesn't agree with the method  
8           that we're proposing of the high bar. So I  
9           just handed it to our town counsel to review  
10          and see what -- you know, what -- our position  
11          on that. Who rules that decision? I don't  
12          know if it's a planning board issue or  
13          whatever. But just be aware that there's a  
14          letter from the Town of Patterson saying they  
15          don't want it and take a hard look at it. The  
16          sheriff just gave us a letter saying that he  
17          would like to -- something different. So  
18          that's going to be ongoing discussion unless  
19          (indiscernible.) Town counsel will help us  
20          with that answer at some point. Okay.

21          At this point, I think there's still a lot  
22          to digest. I'll probably have ten more  
23          questions moving forward. But I do want to  
24          thank Ashley and our consultants for, kind of,  
25          getting us to this point. It's ongoing. And

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2           more importantly, I want to thank Victoria for  
3           managing the progress. This is one of the  
4           biggest projects we've had in this town in over  
5           15, 20 years, and we want to make sure it's  
6           done right. And she's the gatekeeper, and  
7           she's done an exceptional job trying to make  
8           sure everything's out there in the public in  
9           the right way. She's scolded me a few times  
10          over the last couple of weeks about process,  
11          and I appreciate it.

12                 But we just want to make sure that this is  
13          fair on both sides. Not only from the  
14          applicant's side, but we get a good hard look  
15          and our next generation's proud of what we do.  
16          And I think so far there's been a good give and  
17          take. You might not all be happy, but I think  
18          they have some more work to do to prove what --  
19          some of these questions came out today. And  
20          more importantly, I want to make sure our  
21          school district's accountable here, because it  
22          seems to be they're going to be the beneficiary  
23          of this economic boom supposedly with the tax  
24          dollars. And I want to hear from them. Okay.  
25          Because we never seem to see -- get a

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2 reduction. We try to invite businesses in and  
3 never seems to be a reduction. So I want to  
4 hear from them, and hopefully they'll respond.  
5 Okay. So I appreciate you paying attention to  
6 us tonight. I think we did a pretty good job  
7 starting off here.

8 And, Ashley, I believe that the ball's  
9 back in their court to get back to us. I don't  
10 have a timeline, unless they want to tell us  
11 two weeks, three weeks. But it's -- the ball's  
12 back in their court at this point. So I'm not  
13 sure if you want to comment on it.

14 MR. GILPATRICK: We have a meeting at 2:00  
15 tomorrow afternoon.

16 MR. LaPERCH: Okay. Fair enough. Okay.

17 So once again, thank you so much for being  
18 quiet and listening to us. And we'll see --  
19 look for the next meeting. Thank you very much  
20 for coming.

21 (Time noted: 8:32

p.m.) 22

23

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C E R T I F I C

A T E 3

I, ILANA M. NATHANSON, a Certified Court  
Reporter and Notary Public of the State of New York,  
do hereby certify that the transcript of the  
foregoing proceedings, taken at the time and place  
aforesaid, is a true and correct transcription of my  
shorthand

notes. 11

*Ilana Nathanson*

ILANA M.

NATHANSON 16